

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant(s): **John S. Hendricks et al.**

Serial No.: **09/396,429**

Examiner: **Andrew Y. Koenig**

Filed: **9/15/99**

Group Art Unit: **2623**

Confirmation #: **7434**

Case: **5815 (SEDN/5815)**

Title: **TELEVISION TERMINAL MODEM**

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

DECLARATION UNDER 37 C.F.R. §1.132

The Declaration submitted under 37 C.F.F. § 1.132 begins on the following page.

DECLARATION UNDER 37 C.F.R. §1.132

I hereby declare as follows:

1. I, Bruce Bahlmann, am the Vice President of Data Technology of Sedna Patent Services, LLC. I have over 13 years of experience in the telecommunications industry. My responsibility includes evaluating and assessing various intellectual property assets, acquisitions, and licensing opportunities.
2. I have a Master's Degree of Education from the Iowa State University and a Bachelor's Degree of Science from the Iowa State University focused on Computer Engineering. I am also a holder of nine patents in the areas of electrical computers and digital processing systems (Class 709) and data processing (Class 707)¹.
3. I declare that I have read the specification of U.S. Patent Application Serial No. 09/396,429, filed on September 15, 1999.
4. I declare that I, a person skilled in the art of broadband cable and, specifically, in the art of data and networking technology having read the patent application identified above (in particular, pages 14, 37 and 54-55), fully understand how to perform the described method of upgrading the hardware of a set top terminal by inserting a card into an expansion card slot thereby establishing an electrical link between the card connector of the set top terminal and the card connector on the expansion card. Specifically, the specification identifies that the card connection may simply be an electrical connection to the set top terminal's microprocessor and/or memory device or devices. In the alternative, the interface between the expansion card and the set top terminal maybe an electrical bus that allows the memory resources of the set top terminal to be directly expanded. While the specification does not explicitly discuss the corresponding structure for implementing the connection, it is my position that such an implementation would have been readily obvious to one of ordinary skill in the art at the time. My

¹ US Patent Numbers: 7281037, 6859826, 6684242, 6578074, 6546392, 6487594, 6393478, 6195689, and 6170008

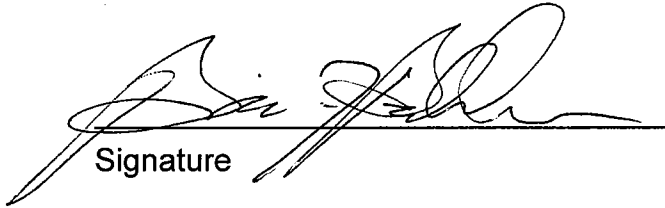
position is supported by the fact that in June 1990 Personal Computer Memory Card International Association (PCMCIA) merged with Japan Electronic Industries Development Association (JEIDA) to release the first standard which defined 68-pin interface and the Type I and II PC Card form factors. The standard specified the electrical and physical requirements for memory cards and defined the Metaformat or Card Information Structure (CIS) that is critical to interoperability and plug-and-play for PC cards. The second release of the standard in September 1991 added various clarifications to the first release, support for dual voltage memory cards and sections dealing with card environmental requirements and test methods.² Such a standard would have made the requirements for implementing insertable expansion cards or hardware upgrades as set forth in the said application well known and conventional in the art.

5. Further, one of ordinary skill in the art would have known to take the modem hardware upgrade disclosed in the pending application (i.e., level B upgrade) and put it onto a card capable of being inserted into a set top box in light of the requirements established by PCMCIA. As such, a person skilled in the art would be enabled to perform the method described in the above referenced application.

² <http://www.pcmcia.org/pccard.htm#comp>

I, Bruce Bahlmann, hereby declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent resulting therefrom.

11/7/07
Date


Signature